

Jeff Carruth (TX SBN: 24001846)
WEYCER, KAPLAN, PULASKI & ZUBER, P.C.
3030 Matlock Rd., Suite 201
Arlington, TX 76015
Telephone: (713) 341-1158
Fax: (866) 666-5322
E-mail: jcarruth@wkpz.com

Christopher M. Lee
State Bar No. 24041319
LEE LAW FIRM, PLLC
8701 Bedford Euless Rd, Ste 510
Hurst, TX 76053
469-646-8995 Phone
469-694-1059 Fax

ATTORNEYS FOR
ANSON FINANCIAL INC.
DEBTOR AND DEBTOR IN POSSESSION

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE: §
§
ANSON FINANCIAL, INC., § **CASE NO. 21-41517-elm-11**
§
DEBTOR. §

**MOTION TO EMPLOY SULLIVAN & COOK, LLC AS SPECIAL
COUNSEL FOR DEBTOR IN ADVERSARY PROCEEDING NO. 21-04071**

NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT THE ELDON B. MAHON U.S. COURTHOUSE, 501 W. 10TH ST., FORT WORTH, TX 76102-3643. BEFORE CLOSE OF BUSINESS ON MARCH 3, 2021, WHICH IS AT LEAST 21 DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK, AND A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING MAY BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

TO THE HONORABLE EDWARD L. MORRIS, U.S. BANKRUPTCY JUDGE:

Anson Financial Inc., debtor and debtor in possession ("Anson" or the "Debtor") files this

Motion to Employ Sullivan & Cook, LLC as Special Counsel for Debtor in Adversary Proceeding

No. 21-04071 (the “Motion to Employ”), pursuant to 11 U.S.C. §§ 327(a) and (e) and 328(a) and Fed. R. Bankr. P. 2014, for an order authorizing the retention of Sullivan & Cook, LLC as special litigation counsel for the Debtor, generally, to undertake to identify, analyze, and pursue and defend against B. Frazier Asset Management, Inc. and Brian H. Frazier, individually (collectively “Frazier”) in the adversary proceeding trial under Adv. No. 21-04071 (including the consolidated Objection to Proof of Claim No. 21). In support of this Motion to Employ, the Debtor submits the *Declaration of Jason Ankele* (the “Ankele Declaration”), attached hereto as **Exhibit ANS170** and incorporated herein by reference.

I. Jurisdiction and Venue

1. This Court has jurisdiction to consider this Motion to Employ under the provisions of 28 U.S.C. §§ 157 and 1334. This matter involves the administration of a bankruptcy estate and, thus, is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A). Venue of this proceeding is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory predicates for the relief requested in this Application are sections 105(a), 327, 328, 330, 331 and 1107 of title 11, United States Code (the “Code” or the “Bankruptcy Code”), and Rules 2014 and 2016 of the Federal Rules of Bankruptcy Procedure.

II. Introduction

2. The Debtor filed a voluntary petition under Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. § 101 et seq. on June 25, 2021.

3. The Debtor is operating as debtor-in-possession pursuant to 11 U.S.C. §§ 1107 and 1108.

4. Areya Holder Aurzada has been appointed as Subchapter V Trustee on August 4, 2021.

5. On September 24, 2021, the Debtors filed their Chapter 11 Plan of Reorganization.

6. On November 1, 2021, Anson filed its Notice of Removal of the state court action between Frazier and the Debtor, under Adv. Proc. No. 21-04071.

7. On December 9, 2021, Frazier filed its Motion to Remand requesting that the state court action be remanded back to the state court.

8. On January 24, 2022, the Court denied Frazier's Motion to Remand and decided to keep Adv. Proc. No. 21-04071 in this Court.

9. On February 7, 2022, the Court set Adv. Proc. No. 21-04071 on the April 4, 2022 trial docket.

III. Relief Requested

10. Subject to approval of this Court, the Debtor has employed Sullivan & Cook, LLC effective as of February 9, 2022, as its special counsel to serve along with counsel Magan Law, PLLC with the prosecution of this case under Adv. Proc. No. 21-04071.

11. Pursuant to Code § 327(a), the Debtor requests that the Court approve the employment of Sullivan & Cook, LLC as its special counsel to perform as lead trial counsel in the Adv. Proc. No. 21-04071.

12. A proposed form of order is submitted with this Motion and is incorporated by reference herein.

IV. Qualifications of Sullivan & Cook

13. The Debtor has selected Sullivan & Cook, LLC because of Sullivan & Cook's experience and knowledge regarding the facts and circumstances of the Debtor and the state court litigation with Frazier. Sullivan & Cook, LLC was the Debtor's lead state court counsel in the Frazier litigation from November of 2016 up until the filing of this bankruptcy proceeding. At that time, Ms. Hernandez with Magan Law, PLLC began familiarizing herself with the state court lawsuit to attempt to represent the Debtor in the bankruptcy proceeding. Due to the quick trial

setting in this adversary proceeding and given that Sullivan & Cook, LLC has represented the Debtor in this action for over five (5) years and also having already prepped this case for trial back in state court, Sullivan & Cook, LLC is necessary to be employed as lead special counsel in this adversary. Sullivan & Cook, LLC is qualified to continue representing the Debtor in the Frazier adversary proceeding.

V. Services to be Provided by Sullivan & Cook

14. The services of Sullivan & Cook, LLC are necessary to enable the Debtor to defend itself in the trial in Adv. Proc. No. 21-04071 and in connection with the objection to Proof of Claim 21.

14. Subject to further order of this Court, and subject to the limitations below Sullivan & Cook, LLC will render, *inter alia*, and without limitation, the following professional services:

- a. Take all necessary actions to protect and preserve the rights of the Debtor in Adv. Proc. No. 21-04071 and the corresponding to objection to Proof of Claim No. 21;
- b. Prepare on behalf of the Debtor, as debtor-in-possession, all necessary motions, applications, answers, orders in connection with the representation of the Debtor in Adv. Proc. No. 21-04071; and
- c. Perform all other necessary litigation services in connection with Adv. Proc. No. 21-04071.

15. This engagement is solely for the purpose of litigation in Adv. Proc. No. 21-04071 and in connection with the Objection to Proof of Claim No. 21.

VI. Disclosure Concerning Conflicts of Interest or Prior Relationships

16. To the best of the Debtor's knowledge, information, and belief, other than as set forth herein and/or in the Ankele Declaration and in connection with this case, Sullivan & Cook has no connection with the Debtor's creditors, the United States Trustee, or any other party with an actual or potential interest in this case or its respective attorneys or accountants.

17. To the best of the Debtor's knowledge, information, and belief, Sullivan & Cook represents no other interest adverse to the Debtor or its estate. The Debtor believes and represents that, to the best of its knowledge, Sullivan & Cook is a "disinterested person" as that term is defined in Code § 101(14).

18. The Debtor submits that its employment of Sullivan & Cook would be in the best interests of the Debtor, the respective estates, and all creditors. The Debtor's knowledge, information, and belief regarding the matters set forth herein are based and made in reliance upon the Ankele Declaration.

VII. Payment of Fees and Expenses

19. Subject to the Court's approval, Sullivan & Cook will charge the following fees for its legal services in accordance with the litigation in Adv. Proc. No. 21-04071 and in connection with the Objection to Proof of Claim No. 21.

a. Jason Ankele: \$395.00 per hour.

20. In November 2016, the Debtor retained Sullivan & Cook, LLC for its representation in the Frazier state court lawsuit. On February 9, 2022, the Debtor executed and delivered an engagement letter to Sullivan & Cook, LLC for its representation in Adv. Proc. No. 21-04071.

21. Sullivan & Cook did not collect an additional initial retainer in its representation in Adv. Proc. No. 21-04071.

VIII. Retention of WKPZ and Magan Law, PLLC

22. The Debtor has retained WKPZ as counsel for this Chapter 11 case who is operating as the Debtor's bankruptcy counsel.

23. The Debtor has retained Magan Law, PLLC as special counsel in this Chapter 11 case to assist with pre-petition state court litigation. Magan Law, PLLC is not earning any fees from the Debtor for its representation. Magan Law, PLLC and Sullivan & Cook, LLC will

endeavor to avoid duplication of services and efforts and will be working together in connection with the trial set in Adv. Proc. No. 21-04071. In addition, because Magan Law, PLLC is not earning any additional fees from the Debtor in her representation, Magan Law, PLLC and Sullivan & Cook, LLC will facilitate as much work to Magan Law, PLLC to keep costs down for the Debtor.

24. If Sullivan & Cook, LLC is approved as special counsel for Adv. Proc. No. 21-04071, WKPZ will no longer be involved and will not charge any additional fees to the Debtor in connection with Adv. Proc. No. 21-04071. Therefore, the Debtor will not be paying three law firms for representation in the Adv. Proc. No. 21-04071 litigation. In fact, the Debtor will be saving money due to Sullivan & Cook, LLC's previous preparation and lower hourly fee.

IX. Conclusion

25. Debtor believes that the employment of Sullivan & Cook, LLC, for the purpose of handling the trial litigation matters in Adv. Proc. No. 21-04071 will be in the best interest of the estate and, accordingly, Debtor requests that Sullivan & Cook, LLC be employed as special counsel for the Debtor.

WHEREFORE, based on the foregoing, the Debtor respectfully requests that this Court enter an order (a) authorizing the Debtor to retain and employ Sullivan & Cook, LLC as its special counsel in Adv. Proc. No. 21-04071 effective as of February 9, 2022 pursuant to Code §§ 327(a) and (e). Debtor requests such other and further relief to which Debtor is entitled at law or in equity.

Dated: February 9, 2022

Respectfully submitted:

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

By: /s/ Jeff Carruth

JEFF CARRUTH (TX SBN: 24001846)
3030 Matlock Rd., Suite 201
Arlington, Texas 76105
Telephone: (713) 341-1158
Fax: (866) 666-5322
E-mail: jcarruth@wkpz.com

ATTORNEYS FOR
ANSON FINANCIAL, INC.
DEBTOR AND DEBTOR IN POSSESSION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on February 9, 2022 (1) by electronic notice to all ECF users who have appeared in this case to date, as set forth below and (2) by regular mail to all parties so indicated in the attached service list.

/s/ Jeff Carruth

Jeff Carruth

ECF SERVICE LIST

21-41517-elm11 Notice will be electronically mailed to:

Jeffery D. Carruth on behalf of Debtor Anson Financial, Inc.
jcarruth@wkpz.com,
[jcaruth@aol.com](mailto:jcarruth@aol.com); atty_carruth@trustesolutions.com;
carruthjr87698@notify.bestcase.com

Jeffery D. Carruth on behalf of Defendant Anson Financial, Inc.
jcarruth@wkpz.com,
[jcaruth@aol.com](mailto:jcarruth@aol.com); atty_carruth@trustesolutions.com;
carruthjr87698@notify.bestcase.com

Jeffery D. Carruth on behalf of Plaintiff AFI Loan Servicing, LLC
jcarruth@wkpz.com,
[jcaruth@aol.com](mailto:jcarruth@aol.com); atty_carruth@trustesolutions.com;
carruthjr87698@notify.bestcase.com

Jeffery D. Carruth on behalf of Plaintiff Anson Financial, Inc.
jcarruth@wkpz.com,
[jcaruth@aol.com](mailto:jcarruth@aol.com); atty_carruth@trustesolutions.com;
carruthjr87698@notify.bestcase.com

Jeffery D. Carruth on behalf of Plaintiff J. Michael Ferguson P.C.
jcarruth@wkpz.com,
[jcaruth@aol.com](mailto:jcarruth@aol.com); atty_carruth@trustesolutions.com;
carruthjr87698@notify.bestcase.com

Jeffery D. Carruth on behalf of Plaintiff MBH Real Estate, LLC
jcarruth@wkpz.com,
[jcaruth@aol.com](mailto:jcarruth@aol.com); atty_carruth@trustesolutions.com;
carruthjr87698@notify.bestcase.com

Alonzo Zachary Casas on behalf of Creditor JPMORGAN CHASE BANK, N.A.
ecftxbn@aldridgeppte.com,
acasas@ecf.inforuptcy.com

Amanda Allison Catlin on behalf of Creditor Sterling

Bates
Amanda.Catlin@fnf.com

Lawrence Chek on behalf of Creditor Wells Fargo Bank, National Association
lchek@pamlaw.com, mislas@pamlaw.com

Eboney D. Cobb on behalf of Creditor City of Colleyville
ecobb@pbfcml.com,
ecobb@pbfcml.com; ecobb@ecf.inforuptcy.com

Eboney D. Cobb on behalf of Creditor Grapevine-Colleyville ISD
ecobb@pbfcml.com,
ecobb@pbfcml.com; ecobb@ecf.inforuptcy.com

Ian D. Ghrist on behalf of Creditor Ghrist Law Firm PLLC
ian@ghristlaw.com,
christian@ghristlaw.com; idghrist@gmail.com; sarah@ghristlaw.com

Ian D. Ghrist on behalf of Defendant Ghrist Law Firm PLLC
ian@ghristlaw.com,
christian@ghristlaw.com; idghrist@gmail.com; sarah@ghristlaw.com

Ian D. Ghrist on behalf of Defendant Ian Ghrist
ian@ghristlaw.com,
christian@ghristlaw.com; idghrist@gmail.com; sarah@ghristlaw.com

Kathryn Hernandez on behalf of Debtor Anson Financial, Inc.
k.magan@maganlawllc.com

Kathryn Hernandez on behalf of Defendant Anson Financial, Inc.
k.magan@maganlawllc.com

Kathryn Hernandez on behalf of Interested Party Joe Michael Ferguson
k.magan@maganlawllc.com

Kathryn Hernandez on behalf of Plaintiff AFI Loan Servicing, LLC
k.magan@maganlawllc.com

Kathryn Hernandez on behalf of Plaintiff Anson Financial, Inc.
k.magan@maganlawllc.com

Kathryn Hernandez on behalf of Plaintiff J. Michael Ferguson P.C.
k.magan@maganlawllc.com

Kathryn Hernandez on behalf of Plaintiff MBH Real Estate, LLC
k.magan@maganlawllc.com

Areya Holder Aurzada (SBRA V)
trustee@holderlawpc.com,
aha@trustesolutions.net;caha11@trustesolutions.net

Christopher Marvin Lee on behalf of Debtor Anson Financial, Inc.
ecf@leebankruptcy.com,
clerk@leebankruptcy.com;LeeLawFirmPLLC@jubileebook.net

Craig C. Lesok on behalf of Creditor Jentex Financial, Inc.
craig@lesoklaw.com

Joyce W. Lindauer on behalf of Creditor Joseph I Yammine
joyce@joycelindauer.com,
dian@joycelindauer.com;deann@joycelindauer.com;
12113@notices.nextchapterbk.com

Mark Joseph Petrocchi on behalf of Creditor Leroy J. York Family Limited Partnership

mpetrocchi@lawgjm.com,
mkidd@lawgjm.com; mpetrocchi@yahoo.com

Laurie A. Spindler on behalf of Creditor Tarrant County
Laurie.Spindler@lgbs.com, Dora.Casiano-Perez@lgbs.com; dallas.bankruptcy@lgbs.com

Matthew Tillma on behalf of Creditor JPMorgan Chase Bank, N.A. s/b/m/t Chase Bank USA, N.A.
Matthew.Tillma@BonialPC.com,
Notices.Bonial@ecf.courtdrive.com

United States Trustee
ustpregion06.da.ecf@usdoj.gov

Lyndel Anne Vargas on behalf of Creditor B. Frazier Management, Inc.
LVargas@chfirm.com,
chps.ecfnotices@ecf.courtdrive.com; kbeckton@ecf.courtdrive.com

Lyndel Anne Vargas on behalf of Creditor Brian Frazier
LVargas@chfirm.com,
chps.ecfnotices@ecf.courtdrive.com; kbeckton@ecf.courtdrive.com

Lyndel Anne Vargas on behalf of Plaintiff B. Frazier Management, Inc.
LVargas@chfirm.com,
chps.ecfnotices@ecf.courtdrive.com; kbeckton@ecf.courtdrive.com

Lyndel Anne Vargas on behalf of Plaintiff Brian H. Frazier
LVargas@chfirm.com,
chps.ecfnotices@ecf.courtdrive.com; kbeckton@ecf.courtdrive.com

SERVICE LIST	Case No. 21-41517	In re: Anson Financial Inc.				
Creditor list download date:	Feb. 9, 2022					
Address1	Address2	Address3	Address4	Address5	Comment on matrix	Method of Service
Ghrist Law Firm PLLC	4016 Gateway Drive Suite 130	Colleyville, TX 76034-5958				NOA-ECF
JPMORGAN CHASE BANK, N.A.					undeliverable	none
JPMorgan Chase Bank, N.A. s/b/m/t Chase Bank	14841 Dallas Parkway, Suite 425	Dallas, TX 75254-8067				Regular mail
Leroy J. York Family Limited Partnership					undeliverable	none
Magan Law, PLLC					undeliverable	NOA-ECF
Wells Fargo Bank, National Association	c/o Larry Chek	Campbell Centre One	8350 N. Central Expressway, Suite 1111	Dallas, TX 75206-1625		none (claim withdraw)
67th Judicial District Court of Tarrant Coun	100 N Calhoun Street 4th Floor	Fort Worth, Texas 76196-0207				Regular mail
Anson Financial, Inc.	62 Main Street, Suite 310	Colleyville, TX 76034-2931				Direct email
Arvelia Godbey	568 Willowview Dr.	Saginaw, TX 76179-0965				Regular mail
B. Frazier Management, Inc.					undeliverable	none
B. Frazier Management, Inc.	CO Law Office of Caleb Moore	2205 Martin Dr., Ste 200	Bedford , TX 76021-6083			Regular mail
B. Frazier Management, Inc. and Brian Frazie	c/o Lyndel Anne Vargas	Cavazos Hendricks Poirot, PC	900 Jackson St., Suite 570	Dallas, TX 75202-2413		NOA-ECF
Beall Private Investments, LP - Affirm	5712 Colleyville Blvd., Suite 200	Colleyville, TX 76034-6068				Regular mail
Carol Godbey	P.O. Box 136273	Fort Worth , TX 76136-0273				Regular mail
City of Colleyville	% Perdue Brandon Fielder Et Al	500 E. Border Street	Suite 640	Arlington, TX 76010-7457		NOA-ECF
City of Colleyville	c/o Perdue Brandon Fielder et al	500 East Border Street, Suite 640	Arlington, TX 76010-7457			NOA-ECF
G. Parker Eldridge	9420 Capiland Rd.	Desert Hot Springs, CA 92240-1101				Regular mail
Ghrist Law Firm PLLC	CO Ian Ghrist	4016 Gateway Drive Suite 130	Colleyville, Texas 76034-5958			NOA-ECF
Grapevine-Colleyville ISD	c/o Perdue Brandon Fielder et al	500 E Border Street, Suite 640	Arlington, TX 76010-7457			NOA-ECF
Grapevine-Colleyville ISD	c/o Perdue Brandon Fielder et al	500 East Border Street, Suite 640	Arlington, TX 76010-7457			NOA-ECF
Heritage Credit, LLC	5712 Colleyville Blvd., Suite 200	Colleyville, TX 76034-6068				Regular mail
Internal Revenue Service	Centralized Insolvency Operation	PO Box 7346	Philadelphia, PA 19101-7346			Regular mail
JPMORGAN CHASE BANK N A	BANKRUPTCY MAIL INTAKE TEAM	700 KANSAS LANE FLOOR 01	MONROE LA 71203-4774		preferred	Regular mail
JPMorgan Chase Bank, N.A. s-b-m-t Chase Bank USA, N.A.		CO National Bankruptcy Services, LLC	P.O. Box 9013	Addison, Texas 75001-9013		Regular mail
Jentex Financial, Inc.	c/o: Cashmire Financial Services	226 Bailey Ave, Ste 104	Fort Worth, TX 76107-1260			Regular mail
Jentex Financial, Inc.	226 Bailey Ave., Suite 101	Fort Worth , TX 76107-1260				Regular mail

SERVICE LIST	Case No. 21-41517	In re: Anson Financial Inc.				
Creditor list download date:	Feb. 9, 2022					
Address1	Address2	Address3	Address4	Address5	Comment on matrix	Method of Service
Joseph Imad Yammine	PO Box 11781	Fort Worth, TX 76110-0781				NOA-ECF
Larry Starks	7045 Oakbluff Dr.	Dallas , TX 75254-2754				Regular mail
Leroy J. York Family Limited Partnership	508 N. Havenwood Lane	Fort Worth, TX 76112-1013				Regular mail
Leroy York	508 N. Havenwood	Fort Worth , TX 76112-1013				none (duplicate address)
Lorraine (Rainey) York Dukes	1100 Elizabeth Blvd.	Fort Worth, TX 76110-2619				Regular mail
Simone Barron	PO Box 11781	Fort Worth, TX 76110-0781				Regular mail
Small Business Administration	SBA Disaster Loan Service Center	1545 Hawkins Blvd., Ste 202	El Paso , TX 79925-2654			Regular mail
Tarrant County	Linebarger, Goggan, Blair & Sampson, LLP	CO Laurie A. Spindler	2777 N. Stemmons Fwy Suite 1000	Dallas, TX 75207-2328		NOA-ECF
Tarrant County	Linebarger Goggan Blair & Sampson, LLP	c/o Laurie A. Spindler	2777 N. Stemmons Fwy. Ste. 1000	Dallas, TX 75207-2328		NOA-ECF
U.S. Small Business Administration	200 W. Santa Ana Blvd, Ste 740	Santa Ana, CA 92701-7534				Regular mail
United States Trustee	1100 Commerce Street	Room 976	Dallas, TX 75242-0996			NOA-ECF
Wells Fargo Bank, National Association	Attn: Dan Kline, V.P.	400 W. 15th Street, Suite 430	Austin, TX 78701-1654			none (claim withdraw)
York Family Partnership	508 N. Havenwood	Fort Worth , TX 76112-1013				none (duplicate address)
Areya Holder Aurzada (SBRA V)	Law Office of Areya Holder, P.C.	901 Main Street, Suite 5320	Dallas, TX 75202-3700			NOA-ECF
Brian Frazier	3345 Western Center Blvd., #160	Ft. Worth			undeliverable	none
Christopher Marvin Lee	Lee Law Firm, PLLC	8701 Bedford Euless Road	Suite 510	Hurst, TX 76053-3874		NOA-ECF
Jeffery D. Carruth	Weycer, Kaplan, Pulaski & Zuber, P.C.	3030 Matlock Rd., Suite 201	Arlington, TX 76015-2936			NOA-ECF
Joe Michael Ferguson					undeliverable	none
Joseph I Yammine					undeliverable	none
Kathryn Hernandez	Magan Law, PLLC	62 Main St.	Suite 310	Colleyville, TX 76034-2931		NOA-ECF
Simone Barron					undeliverable	none
Sterling Bates					undeliverable	NOA-ECF

PROPOSED ORDER

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE: §
§
ANSON FINANCIAL, INC., § **CASE NO. 21-41517**
§
DEBTOR. §

**ORDER GRANTING MOTION TO EMPLOY SULLIVAN & COOK, LLC
AS SPECIAL COUNSEL FOR DEBTOR IN ADVERSARY PROCEEDING
NO. 21-04071 (RE: DOCKET NO. 238)**

On this day came on for consideration the *Motion to Employ Sullivan & Cook, LLC as Special Counsel for Debtor in Adversary Proceeding No. 21-04071* (Docket No. 238) (the “Motion to Employ”) of Anson Financial Inc., debtor and debtor in possession (the “Debtor”), filed on February 9, 2022 in the above-styled and numbered case(s), seeking approval of the employment of Jason Ankele at Sullivan & Cook, LLC as its special counsel as more particularly set forth in the Motion to Employ and the accompanying Declaration. The Court finds that the Motion to Employ contained the appropriate notice and was served upon the parties entitled to notice. No objections to the Motion were filed. Upon review of the Motion, it appears to the Court that the proposed professional is “disinterested” as that term is defined in Code § 101(14) and that the proposed professional represents or holds no interest adverse to the Debtor.

IT IS THEREFORE ORDERED that the Motion to Employ Sullivan & Cook, LLC is GRANTED and the Debtor is authorized to employ Sullivan & Cook, LLC as special counsel to the Debtor and the related Chapter 11 estate(s) pursuant to 11 U.S.C. § 327(a) and (e), *nunc pro tunc* and effective as of February 9, 2022, as set forth in the Motion to Employ Sullivan & Cook, LLC.

###ENDOFORDER###

EXHIBIT ANS170

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE:

**ANSON FINANCIAL, INC.,
DEBTOR.**

§
§
§
§

CASE NO. 21-41517

**DECLARATION OF JASON ANKELE IN SUPPORT OF MOTION TO
EMPLOY SULLIVAN & COOK, LLC AS SPECIAL COUNSEL FOR
DEBTOR IN ADVERSARY PROCEEDING NO. 21-04071**

Jason Ankele, pursuant to 28 U.S.C. § 1746, hereby declares as follows:

1. My name is Jason Ankele. I am over the age of twenty-one (21) years, of sound mind, and competent to testify herein. I have personal knowledge of the facts stated herein and they are true and correct to the best of my knowledge and belief.

2. I have been licensed to practice law in the State of Texas since 1993. I am admitted to practice law and am in good standing in multiple jurisdictions including: the Northern District of Texas, the Eastern District of Texas, and the Fifth Circuit Court of Appeals.

3. I am of counsel with the law firm of Sullivan & Cook, LLC, and have been since May 2015.

4. In November 2016, the Debtor hired me to represent it in a state court lawsuit against B. Frazier Asset Management, Inc. f/k/a Frazier Asset Management, Inc., and Brian H. Frazier, Individually, in the 342nd District Court in Tarrant County, Texas, Cause No. 342-288776-16 (“Frazier lawsuit”). I became the lead state court counsel for the Debtor in this case.

5. The Frazier lawsuit was set for a jury trial in the state court on June 28, 2021 to which I was fully prepared for.

6. On June 25, 2021, the Debtor filed for bankruptcy halting the jury trial in state court. At that time, the Debtor was focusing on his bankruptcy case with other representation as the Frazier lawsuit was stayed.

7. I understand that the Debtor removed the Frazier lawsuit to the bankruptcy court on November 1, 2021. It is further my understanding that, on January 24, 2022, the bankruptcy court decided to keep the Frazier lawsuit within its jurisdiction and not remand it back to the state court. I also understand that during a status conference held on February 7, 2022, the court set the Frazier lawsuit on the trial docket for April 4, 2022.

8. Now, I have been requested by the above-captioned debtor and debtor in possession (the “Debtor”) to represent it in the adversary proceeding trial in Adv. Proc. No. 21-04071 (including the consolidated objection to Proof of Claim No. 21) as special counsel due to my expertise in representing the Debtor in this action in the state court and already having prepped for a trial.

EXHIBIT ANS170

9. This declaration was prepared and is being submitted as an exhibit to the *Motion to Employ Sullivan & Cook, LLC as Special Counsel for Debtor in Adversary Proceeding No. 21-04071* ("Motion to Employ"). I have read the Motion to Employ and I agree to the terms of employment set forth therein.

10. The above-captioned Debtor desires to employ Jason Ankele with Sullivan & Cook, LLC, to provide litigation services in connection with Adv. Proc. No. 21-04071. The services that Sullivan & Cook, LLC, will render to the Debtor may be summarized as follows:

- a. Take all necessary actions to protect and preserve the rights of the Debtor in Adv. Proc. No. 21-04071 corresponding to the objection to Proof of Claim No. 21;
- b. Prepare on behalf of the Debtor, as debtor-in-possession, all necessary motions, applications, answers, orders in connection with the representation of the Debtor in Adv. Proc. No. 21-04071; and
- c. Perform all other necessary litigation services in connection with Adv. Proc. No. 21-04071.

11. This engagement is solely for the purpose of litigation proceedings within Adv. Proc. No. 21-04071 and in connection with the objection to Proof of Claim No. 21.

12. I understand that Kathryn Hernandez with Magan Law, PLLC, has also recently been approved as Special Counsel for the Debtor. It is my understanding that Ms. Hernandez started to gain a general understanding of the Frazier lawsuit in connection with her employment with J. Michael Ferguson, the owner of the Debtor, which employment commenced right before the trial setting in the state court lawsuit. However, Ms. Hernandez did not represent the Debtor in the state court lawsuit and only became familiar with the state lawsuit right before the trial setting and did not take any action or responsibility in helping to prepare or defend the Debtor in the state court trial. It is now my understanding that Ms. Hernandez has continued to represent the Debtor against the Frazier parties in connection with this bankruptcy proceeding; however, has not yet reached the specialization and knowledge that I have in representing the Debtor in this action over the past 5 years.

13. I understand that upon approval from the Court, Ms. Hernandez and I will work together to represent the Debtor in the Frazier adversary with Sullivan & Cook, LLC, being the lead attorney in that representation. With Ms. Hernandez and I working together, we will endeavor to avoid duplication of services and efforts and utilize Ms. Hernandez as much as possible since it is my understanding she is not earning any additional fees from the Debtor in her representation as special counsel.

14. Subject to the Court's approval, my fees in this representation are as follows:

- a. \$395.00 per hour.

15. In November 2016, the Debtor retained Sullivan & Cook, LLC, for its representation in the Frazier state court lawsuit. On February 9, 2022, the Debtor executed and delivered the engagement letter to Sullivan & Cook for its representation in Adv. Proc. No. 21-04071.

EXHIBIT ANS170

16. I did not collect an additional initial retainer for my representation in Adv. Proc. No. 21-04071.

17. I have reviewed the records of Sullivan & Cook, LLC, to determine the existence of any interest held or represented by myself that is adverse to the Debtor's estate or its creditors. Based on that review, I am informed and believe that:

- a. Sullivan & Cook, LLC, is not and was not a creditor of the Debtor in this case and is not and was not an equity security holder or an insider of the Debtor;
- b. Within two years before the Petition Date, no one at Sullivan & Cook, LLC, was a director, officer, or employee of the Debtor;
- c. Sullivan & Cook, LLC, does not have an interest materially adverse to the interest of the estate or any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the Debtor, or for any other reason.

18. Based on that review, Sullivan & Cook, LLC, does not have any relationship to or connection with or interest in (i) the United States Trustee or any person employed by the office of the United States Trustee or (ii) any attorneys, accountants, financial consultants, and investment bankers who represent or may represent claimants or other parties in interest in this case.

19. Sullivan & Cook, LLC, does not represent any creditors or other parties-in-interest in this case.

20. Accordingly, except as set forth herein, and based upon the information available to me, neither I, or Sullivan & Cook, LLC, holds or represents any interest adverse to the Debtor or its estate in the matters upon which Sullivan & Cook, LLC, is employed. Based upon the information available to me, I believe that Sullivan & Cook, LLC, is a "disinterested person" as that term is defined in Code § 101(14).

21. No promises have been received by Sullivan & Cook, LLC, or by any employee thereof, to receive compensation in this case other than in accordance with the provisions of the Bankruptcy Code, the Bankruptcy Rules of Procedure, and the Local Bankruptcy Rules. No one employed at Sullivan & Cook, LLC, has agreed to share compensation received in this case with any other person or entity not a member or regular associate with Sullivan & Cook, LLC.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: February 9, 2022

/s/ *M. Jason Ankele*

M. Jason Ankele